

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JANE DOE, a minor, by and through her)
parents and natural guardians, MARY DOE)
and JOHN DOE,)
) Civil Action No. 15-1089
Plaintiff,)
) Judge Cathy Bissoon
v.)
)
NESHANNOCK TOWNSHIP SCHOOL)
DISTRICT, *et al.*,)
)
Defendants.)

ORDER

For the reasons that follow Defendant A.S.’s Motion for Judgment on the Pleadings (Doc. 65) will be DENIED and Defendants Shellie S. and Anthony S.’s Motion for Judgment on the Pleadings (Doc. 67) will be GRANTED.

The moving Defendants previously filed Motions to Dismiss (Docs. 47 and 49), which the Court denied because the moving Defendants answered the Complaint before to filing said 12(b) motions. See (Doc. 64) at 2. In doing so the Court offered the moving Defendants the opportunity to file motions pursuant to Federal Rule of Civil Procedure 12(c), if they wished to properly reassert their Motions to Dismiss arguments. Id.

Defendant A.S. does not raise any arguments in his current motion that were not addressed and rejected by the Court in its Memorandum Opinion analyzing the various Motions to Dismiss. See generally (Doc. 64). Defendant A.S. argues that because the Complaint alleges that A.S. only “coached” the other students and never physically touched Plaintiff, his alleged conduct does not satisfy the standard for Intentional Infliction of Emotional Distress. The Court disagrees. That Defendant A.S. was not actively engaged in touching Plaintiff does not mean

that his conduct did not rise to the level of extreme and outrageous. Accordingly, for this reason, as well as the reasons stated in the Court's Memorandum Order dated May 31, 2016, Defendant A.S.'s Motion for Judgment on the Pleadings is DENIED.

Additionally, for the same reasons as the Court granted the other Parent Defendants' Motions to Dismiss in its Memorandum Order (Doc. 64), i.e., there are no allegations that any student had a history of sexual assault nor are there any allegations that the Parent Defendants were present on the bus when the sexual assault occurred, Defendants Shellie S. and Anthony S.'s Motion for Judgment on the Pleadings is GRANTED. Count V as to Defendants Shellie S. and Anthony S. is DISMISSED WITHOUT PREJUDICE to Plaintiff filing and amended complaint, if appropriate.

IT IS SO ORDERED

August 29, 2016

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record